IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NICOLA DEIULIIS, a minor, by his guardian, ANNETTE DEIULIIS, and ANNETTE DEIULIIS in her own right,	)	
Plaintiffs,	)	
v.	)	CA. 5-01077
BOY SCOUTS OF AMERICA NATIONAL COUNCIL,	)	
Defendant.	)	

MOTION FOR CONTINUANCE OF STATUS/SETTLEMENT CONFERENCE

AND NOW, comes Defendant, Boy Scouts of America National Council, by and through its attorneys, BURNS, WHITE & HICKTON, LLC and David B. White, Esquire, files the within Motion for Continuance of Status/Settlement Conference and respectfully submits as follows:

1. On September 30, 2005, the Honorable Donetta W. Ambrose issued an Order scheduling a Rule 16 Scheduling Conference to take place on Tuesday, November 8, 2005. The undersigned counsel of record is available to attend the Scheduling Conference as per the Court's Order.

2. On October 24, 2005, the Honorable Arthur J. Schwab issued a Notice that a Status/Settlement Conference in the above-captioned case has been scheduled for the same date.

3. Within this Honorable Court's Notice, Judge Schwab ordered that all parties and any other necessary representatives of the insurance carrier with full settlement authority shall be physically present.

4. In the above-captioned case, the undersigned counsel represents Boy Scouts of America located in Irving, Texas. Boy Scouts of America is self-insured to a certain level of insurance and the employee of Boy Scouts of America, Jamie Shaw, that would have

settlement authority is unavailable to attend the Status/Settlement Conference scheduled on November 8, 2005.

5. Jamie Shaw has been Ordered to be in attendance at the Settlement Conference scheduled for November 8, 2005 in California in the matter of Jennifer O'Rourke vs. Old Baldy Council of Boy Scouts of America, et al. at Case #SCVSS117088. This matter is filed in the Superior Court of the State of California, County of San Bernardino.

6. No one else from Boy Scouts of America with the appropriate authority is available to attend the Status/Settlement Conference scheduled before the Honorable Judge Schwab.

7. The Defendant requests this Honorable Court to continue and reschedule Status/Settlement Conference to a later date.

8. Due to the fact that Ms. Shaw is one of only two individuals with Boy Scouts of America with the authority to settle any and all cases, the following are the dates within the next six weeks that she is available to come to Pittsburgh for a Status/Settlement Conference. Ms. Shaw is available on November 16, 17 and December 1, 2, 8 and 9, 2005.

WHEREFORE, Defendant, Boy Scouts of America National Council requests this Honorable Court to continue the Status/Settlement Conference scheduled for November 8, 2005 until one of the dates that Ms. Shaw is available to travel to Pittsburgh and is also convenient for the Court.

Respectfully submitted,
BURNS, WHITE & HICKTON, LLC
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David B. White
Pa. I.D. #36684
(*Counsel for Defendant, Boy Scouts of America National Council*)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **MOTION FOR CONTINUANCE OF STATUS/SETTLEMENT CONFERENCE** has been served upon all counsel of record by Electronic Mail, this 27 day of October 2005, addressed as follows:

Victor H. Pribanic, Esq.
1735 Lincoln Way
White Oak, PA 15131
(*Counsel for Plaintiffs*)

DAVID B. WHITE

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NICOLA DEIULIIS, a minor, by his guardian, ANNETTE DEIULIIS, and ANNETTE DEIULIIS in her own right,	)	
Plaintiffs,	)	
v.	)	CA. 5-1077
BOY SCOUTS OF AMERICA NATIONAL COUNCIL,	)	
Defendant.	)	

PROPOSED ORDER OF COURT

AND NOW, to wit, this _____ day of ________________________, 2005, it is hereby, ORDERED, ADJUDGED and DECREED that the Status/Settlement Conference scheduled for November 8, 2005 is CONTINUED until _____________________________________.

BY THE COURT:

______________________________________J.